

### **REMARKS/ARGUMENTS**

These remarks are filed in response to the Final Office Action mailed February 24, 2006. No Claims have been amended. Claims 1, 3, 4, 6-8 and 10-20 are pending. It is respectfully submitted that the pending claims define allowable subject matter. Applicants respectfully request reconsideration of the application in view of the following remarks submitted below.

#### **Discussion of Provisional Double-Patenting Rejection**

In Section 7, of the Office Action, the Examiner acknowledged Applicants statement that a terminal disclaimer would be filed upon allowance of the present application and stated that the Double Patenting rejection remains open upon such terminal disclaimer being filed.

Applicants respectfully agree that a terminal disclaimer will be filed upon allowance of the pending Claims 1, 3-4, 6-8 and 10-20 in the present Application.

#### **Discussion of Rejection of Claims 1, 3-4, 6-8 and 10-18 under 35 U.S.C. §103(a)**

In Section 11 of the Office Action, the Examiner rejected Claims 1, 3-4, 6-8 and 10-18 under 35 U.S.C. §103(a) as being unpatentable over Ma et al. (U.S. Pat. No. 5,920,725), in view of the Hamilton (U.S. Pat. No. 6,889,227) and further in view of Nally (U.S. Pat. No. 6,298,478).

The Examiner's rejection is respectfully traversed. In addition to the arguments presented below, Applicants incorporate by reference those arguments presented in Applicants' response to the Office's previous Action. In the present Office Action, the

Examiner acknowledges that Ma et al. and Hamilton “do not explicitly disclose [an EJB module] that includes at least one original state object in communication with the original entity bean, the original state object storing a state of the original entity bean” (see Final Office Action, mailed February 24, 2006, at page 5 and page 9). The Examiner then goes on to assert, however, that “Nally discloses [sic] an Enterprise JavaBean (EJB) including an original entity bean and at least one original state object in communication with the original entity bean, the original state object storing a state of the original entity bean” (see Final Office Action at page 9, third paragraph).

In support of the Examiner’s assertion that Nally teaches an EJB module including an original entity bean and at least one original state object etc. as recited in the claimed invention, the Examiner specifically cites to Column 1, lines 52-53 of Nally which state “[f]or an EJB, the executable business logic is stored within the entity bean.” Applicants respectfully point out to the Examiner that, as can be verified by those of ordinary skill in the art, Enterprise JavaBeans (EJBs) can be “stateful” or “stateless” and, regardless of whether the EJB is “stateful” or “stateless,” the EJB can necessarily includes the capability to implement the business logic of an application. Therefore, to say that the business logic is stored within the entity bean is to say nothing new and, moreover, such a statement is logically and scientifically irrelevant to a JAVA module including at least one original entity bean and at least one original state object in communication with the original entity bean where the original state object stores a state of the original entity bean, as recited in the claimed invention.

The Examiner also cites to Nally at Figure 5, Column 13, lines 29-65 and Column 14, lines 27-61 to support an assertion that Nally teaches an EJB module including an original entity bean and at least one original state object that stores the state of the original entity bean

etc. (*see* Final Office Action, mailed February 24, 2006, at page 9, fourth and fifth paragraphs). The Examiner's citation provides a copiously detailed explanation of version status data that is used to keep track of information about a particular version of an EJB, for example, "whether the version has been modified." Applicants cannot find the relevance of version status data, as taught by Nally, in the context of the claimed invention, and respectfully request that the Examiner explain such relevance.

The foregoing demonstrates that the cited primary references of Ma et al., Hamilton, and Nally alone, or in combination, do not teach or suggest all of the elements and limitations of independent Claims 1, 8 and 15, and likewise fail to teach or suggest each and every element of the claims depending therefrom. Moreover, Applicants respectfully disagree with the Examiner's characterization that Applicants are attempting to show non-obviousness by attacking references individually where rejections are based upon a combination of references, and Applicants therefore respectfully request an opportunity for an interview with the Examiner and the Examiner's supervisor if the Examiner still believes that there is an issue requiring further resolution.

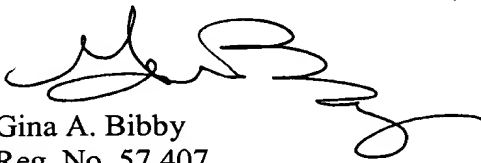
In order to establish a *prima facie* case of obviousness, the rejection must demonstrate that (1) the cited references teach all of the claimed elements and limitations; (2) there is a suggestion or motivation in the prior art to modify or combine the reference teachings; and (3) there is a reasonable expectation of success. MPEP § 2143; *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991).

Accordingly, Applicants submit that Claims 1, 3-4, 6-8, and 10-20 are patentable under 35 U.S.C. § 103(a) over Ma et al. in view of Hamilton and further in view of Nally. Applicants therefore respectfully request reconsideration, and withdrawal of the § 103 rejections.

**Conclusion**

In view of the foregoing, the Applicant respectfully submits that all the pending Claims 1, 3, 4, 6-8 and 10-20 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present amendment, the Examiner is requested to contact the undersigned at (408) 749-6920. If any additional fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP007). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, L.L.P.



Gina A. Bibby  
Reg. No. 57,407

Martine Penilla & Gencarella, LLP  
710 Lakeway Drive, Suite 200  
Sunnyvale, California 94085  
Telephone: (408) 774-6920  
**Customer Number 32291**